

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Curtis Hill,

Plaintiff,

v.

M. Breckon, *Warden*; United States of
America,

Defendants.

C/A No. 0:19-2145-DCN-PJG

ORDER

This is a civil action filed by self-represented federal prisoner. Under Local Civil Rule 73.02(B)(2) (D.S.C.), pretrial proceedings in this action have been referred to the assigned United States Magistrate Judge.

By order dated October 2, 2019, the court authorized service of process against the defendants. (ECF No. 12.) **However, the summons for Defendant M. Breckon was returned unexecuted.** (ECF No. 17.) A copy of the deficient Form USM-285 is attached to this order.

Plaintiff is reminded that he must provide, and is responsible for, information sufficient to locate the defendant on the Form USM-285. The United States Marshal cannot serve an inadequately identified defendant. Under Rule 4(m), unless a defendant is served within ninety (90) days after the original summons is issued, the court must dismiss an action without prejudice as to that defendant.¹ See Robinson v. Clipse, 602 F.3d 605, 608-09 (4th Cir. 2010) (tolling during initial review)

Therefore, Plaintiff is directed to complete and return a summons and a Form USM-285 for Defendant M. Breckon within fourteen (14) days from the date this order is entered (plus three days for mail time), with a sufficient address to locate the defendant. Plaintiff should provide a street address for the defendant. These documents must be mailed to: Clerk of Court, 901 Richland Street, Columbia, South Carolina 29201.

TO THE CLERK OF COURT:

The Office of the Clerk of Court is directed to mail a copy of this order, a copy of the deficient Form USM-285, a blank summons, and a blank Form USM-285 to Plaintiff. Plaintiff will have fourteen (14) days from the date this Order is entered (plus three days for mail time) to

¹ Commencement of a state law claim is determined by Rule 3 of the South Carolina Rules of Civil Procedure, rather than Rule 4 of the Federal Rules of Civil Procedure and could impact the time allowed for service of process within the applicable statute of limitations for any state law claim.

provide an updated address for the unserved defendant and submit an updated summons and Form USM-285 to the Clerk of Court.

IT IS SO ORDERED.



Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE

December 16, 2019
Columbia, South Carolina

Plaintiff's attention is directed to the important warning on the next page.

IMPORTANT INFORMATION . . . PLEASE READ CAREFULLY

WARNING TO *PRO SE* PARTY OR NONPARTY FILERS

All documents that you file with the court will be available to the public on the internet through PACER (Public Access to Court Electronic Records) and the court's Electronic Case Filing System. **CERTAIN PERSONAL IDENTIFYING INFORMATION SHOULD NOT BE INCLUDED IN OR SHOULD BE REMOVED FROM ALL DOCUMENTS BEFORE YOU SUBMIT THE DOCUMENTS TO THE COURT FOR FILING.**

Federal Rule of Civil Procedure 5.2, provides for privacy protection of electronic or paper filings made with the court. Rule 5.2 applies to **all** documents submitted for filing, including pleadings, exhibits to pleadings, discovery responses, and any other document submitted by any party or nonparty for filing. Unless otherwise ordered by the court, a party or nonparty filer should not put certain types of an individual's personal identifying information in documents submitted for filing to any United States District Court. If it is necessary to file a document that already contains personal identifying information, the personal identifying information should be "**blacked out**" or **redacted** prior to submitting the document to the Clerk of Court for filing. A person filing any document containing their own personal identifying information **waives** the protection of Rule 5.2(a) by filing the information without redaction and not under seal.

1. Personal information protected by Rule 5.2(a):

(a) Social Security and Taxpayer Identification Numbers. If an individual's Social Security number or a taxpayer identification number must be included in a document, the filer may include only the last four digits of that number.

(b) Names of Minor Children. If the involvement of a minor child must be mentioned, the filer may include only the initials of that child.

(c) Dates of Birth. If an individual's date of birth must be included in a document, the filer may include only the year of birth.

(d) Financial Account Numbers. If financial account numbers are relevant, the filer may include only the last four digits of these numbers.

2. Protection of other sensitive personal information—such as driver's license numbers and alien registration numbers—may be sought under Rule 5.2(d) (Filings Made Under Seal) and (e) (Protective Orders).